IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 6099 of 2007(A)

PETITIONER:

VIJAYAKUMARAN NAIR,S/O.VASUDEVAN NAIR,
RESIDING AT CHALAPPURAM, KOZHIKODE,
MANAGING TRUSTEE, VEDAVYASA TRUST,
CIET, CHALAPPURAM,CALICUT-2.

BY ADV. SRI.K.P.BALASUBRAMANYAN
SRI.NIRMAL. S

RESPONDENTS:

1. COMMISSIONER OF POLICE,MANACHIRA, CALICUT.

2. SUPERINTENDENT OF POLICE,MALAPPURAM.

3. SUB-INSPECTOR OF POLICE,
KASABA POLICE STATION, KOZHIKODE.

4. SUB-INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,MALAPPURAM DISTRICT.

5. MITHUN DAS V.T.,PAVITHRAM,
B.C.ROAD, BEYPORE, CALICUT.

6. SUJIN A., DEVAKI, KALLUVETTIKUZHI PARAMBA,
GOVINDAPURAM P.O., CALICUT-16.

7. MANESH K.,MANESH NIVAS,
KATCHERIKUNNU, POKKUNNU, 673 013.

8. SHAMSHEEL AMEEN, KADALEDATHU HOUSE,
CIVIL STATION, CALICUT-20.

R1 TO R4 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.SUNNY MATHEW FOR R5 TO R8
SRI.S.R.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REPRESENTATION MADE BY THE STUDENTS WHO ARE RAGGED BY RESPONDENTS 5 TO 8 BEFORE THE PRINCIPAL, VEDAVYASA INSTITUTE OF TECHNOLOGY, DATED 19.1.2007.

EXT.P2: TRUE COPY OF SUSPENSION ORDER DATED 1.2.2007 ISSUED BY PRINCIPAL, VEDAVYASA INSTITUTE OF TECHNOLOGY.

EXT.P3: TRUE COPY OF COMPLAINT DATED 2.2.2007 SUBMITTED BY -DO- TO THE SUB-INSPECTOR OF POLICE, FEROKE.

EXT.P4: TRUE COPY OF CHARGE MEMO DATED 12.2.2007 ISSUED TO THE RESPONDENT 5 TO 8.

EXT.P5: TRUE COPY OF CIRCULAR ISSUED BY THE UNIVERSITY OF CALICUT DATED 3.1.2007.

EXT.P6: TRUE COPY OF PAPER REPORT IN MALAYALA MANORAMA DAILY DATED 18.2.2007.

EXT.P7: TRUE COPY OF REPRESENTATION DATED 17.2.2007 SUBMITTED BY PRINCIPAL, VEDAVYASA INSTITUTE OF TECHNOLOGY BEFORE THE RESPONDENT NO.3.

WZR.P8: TRUE COPY OF PAPER REPORT IN MATHRUBHUMI DAILY DATED 21.2.2007.

EXT.P9: TRUE COPY OF THE STATEMENT DATED 2.3.2007.

EXT.P10: TRUE COPY OF THE STATEMENT DATED 2.3.2007.

EXT.P11: TRUE COPY OF THE LETTER DATED 2.3.2007.

EXT.P12: TRUE COPY OF THE LETTER DATED 2.3.2007.

RESPONDENTS' EXHIBITS:

ANNEXURE R2(a): TRUE COPY OF THE NEWSPAPER REPORT DATED 11.08.2006.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.6099 OF 2007

Dated 12th March, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. It is the allegation of the petitioner that respondents 5 to 8 ragged some first year students and they were suspended from the college. It is further alleged that the suspended students with support of others are creating terror in the college and despite complaint to the police on 2.2.2007 police is not taking any action. According to the petitioner, on 17.2.2007, respondents 5 to 8 and two others trespassed into the premises of the college and disrupted the examination. It is also submitted that by force the Principal was compelled to sign Exts.P9 and P10 withdrawing the disciplinary proceedings taken against the students. The Principal has also filed an affidavit that he was also threatened and to save his life he had no other option but to sign in Exts.P9 and P10 and it was done under coercion.

2. Government Pleader submitted that Police registered cases against 40 persons for disrupting the examination etc. If Exts.P9 and P10 are signed by force, it

is for the Principal to withdraw the same and it is not binding if it is signed by coercion. The disciplinary action has to be taken according to law, if there are serious allegations or prima facie case against respondents 5 to 8. The police is directed to give adequate and meaningful protection so that examinations in the college can be conducted peacefully and also to see that smooth functioning of the college is not disrupted.

3. It is submitted by respondents 5 to 8 that they should be allowed to meet the Principal to explain their points of view and plead for mercy. Respondents 5 to 8 are allowed to meet the Principal one by one separately at the time fixed by the Principal and in view of the earlier incidents two or three persons can be with the Principal and Police should see that no untoward incident takes place during such conferences also.

The writ petition is disposed of accordingly.

Issue photocopy today itself.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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